

IN THE CLAIMS:

Claims 1-7, 11-16, 18-33, 35, 39-43 and 47-48 are pending. Claims 8-10, 17, 34, 36-38 and 44-46 are withdrawn. Please amend claims 18 and 28-30 as follows:

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1. (original) A working end of a surgical instrument for delivering energy to tissue, comprising:
paired first and second jaw members moveable between an open position and a closed
position; and
at least one jaw defining a first body portion having a variable resistance and a second body
portion of a conductive material coupled to a voltage source.

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2. (original) The working end of Claim 1 wherein said at least one jaw defines a surface engagement
plane for engaging tissue, said engagement plane carrying an exposed surface of said first body portion.

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3. (original) The working end of Claim 1 wherein said at least one jaw defines a surface engagement
plane for engaging tissue, said engagement plane carrying an exposed surface of said second body portion.

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4. (original) The working end of Claim 1 wherein said at least one jaw defines a surface engagement
plane for engaging tissue, said engagement plane carrying an exposed surface of both said first body portion and said
second body portion.

5. (original) The working end of Claim 1 wherein said first body portion is of a ceramic composition.

6. (original) The working end of Claim 1 wherein said first body portion is an elastomeric composition.

7. (original) The working end of Claim 6 wherein said elastomeric composition is silicone-based.

8 - 10. (withdrawn)

11. (original) The working end of Claim 1 wherein said first body portion has an electrical resistance that increases with an increase in temperature thereof.

12. (original) The working end of Claim 1 wherein said first body portion has an electrical resistance that decreases with an increase in temperature thereof.

13. (original) The working end of Claim 1 wherein said first body portion defines a switching range at which its electrical resistance substantially increases or decreases in a selected temperature range.

14. (original) The working end of Claim 13 wherein said switching range falls between about 40° C. and 200° C.

15. (original) The working end of Claim 1 wherein said first body portion has a resistance to electrical current flow therethrough that decreases with pressure applied thereto.

16. (original) The working end of Claim 1 wherein said first body portion has a resistance to electrical current flow therethrough that increases with pressure applied thereto.

17. (withdrawn)

18. (currently amended) A method for controlled application of energy to tissue, comprising the steps

of:

providing a working end with opposing jaws for engaging tissue, at least one jaw defining an engagement plane that contacts tissue, said at least one jaw surface having a first body portion comprising a variably resistive material and a second body portion comprising at least one conductor coupled to a voltage source;

engaging tissue between the paired jaws; and

delivering Rf energy to said at least one conductor wherein energy application to said tissue is modulated by changes in resistance of said first body portion.

19. (original) The method of Claim 18 wherein said first body portion has a resistance that varies with a change in temperature, and the delivering step comprises the step of reducing ohmic heating of tissue as the temperature of the first body portion increases.

20. (original) The method of Claim 18 wherein said first body portion has a resistance that varies by greater than about 5 per cent with a change in temperature of less than about 5° C., and the delivering step comprises the step of reducing ohmic heating as the resistance of said first body portion increases.

21. (original) The method of Claim 18 wherein said first body portion defines a switching range in which its resistivity is increased to substantially terminate electrical current flow therethrough, and the delivering step comprises the step of eliminating ohmic heating of tissue as the temperature of the first body portion reaches said switching range.

a (22. (original) The method of Claim 21 wherein said first body portion substantially terminates electrical current flow therethrough in any selected switching range between about 40° C. and 200° C.

10 23. (original) The method of Claim 18 wherein said first body portion defines has a resistance that varies with a change in temperature, and the delivering step comprises the step of increasing ohmic heating of tissue as the temperature of the first body portion increases.

15 24. (original) The method of Claim 18 wherein said first body portion has a resistance that varies with a change in pressure applied thereto by the engaged tissue, and the delivering step comprises the step of increasing ohmic heating of tissue as said pressure increases.

20 25. (original) The method of Claim 18 wherein said first body portion has a resistance that varies with a change in pressure applied thereto by the engaged tissue, and the delivering step comprises the step of decreasing ohmic heating of tissue as said pressure increases.

26. (original) The method of Claim 18 further comprising the step of applying energy to said tissue by means of conduction of heat through the engagement surface from said first and second body portions.

27. (original) A working end of a surgical instrument for delivering energy to tissue, comprising:
a jaw structure comprising first and second jaw members moveable between an open position
and a closed position;
first and second polarity electrodes carried in said jaw structure, each such electrode
operatively connected to a voltage source; and
a portion of said at least one jaw comprising a material having a variable resistance to
electrical current flow therethrough.

28. (currently amended) The working end of Claim 27 wherein each jaw member defines an
engagement ~~plane~~ surface for engaging tissue, at least one engagement ~~plane~~ surface having an exposed surface portion
of said material having a variable resistance.

29. (currently amended) The working end of Claim 27 wherein at least one engagement ~~plane~~ surface
carries an exposed surface portion of a first or second polarity electrode.

30. (currently amended) The working end of Claim 27 wherein an engagement ~~plane~~ surface carries a
surface portion of said material having a variable resistance and a first or second polarity electrode.

31. (original) The working end of Claim 27 wherein said material having a variable resistance is
selected from the class consisting of materials that vary in resistance in response to temperature changes therein and
materials that vary in resistance in response to pressures applied thereto.

32. (original) The working end of Claim 27 wherein said material having a variable resistance is an elastomer.

33. (original) The working end of Claim 27 wherein said material having a variable resistance is of a silicone-based composition.

34. (withdrawn)

35. (original) The working end of Claim 27 wherein said material having a variable resistance is a conductively doped zirconium oxide.

36 - 38. (withdrawn)

39. (original) The working end of Claim 27 wherein said material having a variable resistance is selected from the class of materials consisting of positive temperature coefficient materials and negative temperature coefficient materials.

40. (original) A working end of a surgical instrument for delivering energy to tissue, comprising:
first and second jaw members moveable between an open position and a closed position, each jaw defining a jaw surface for engaging tissue;
a first body portion extending inwardly of at least one jaw surface that comprises a material having a resistance to electrical flow therethrough that varies with pressure applied thereto; and

a conductive portion carried at an interior of said at least one jaw surface that is operatively connected to a voltage source.

41. (original) The working end of Claim 40 further comprising a second body portion of a material having a resistance to electrical flow therethrough that varies with temperature, said second body portion extending inward of said first body portion.

42. (original) The working end of Claim 40 wherein said first body portion has a resistance to electrical flow therethrough that decreases with pressure applied thereto.

43. (original) The working end of Claim 40 wherein said first body portion has a resistance to electrical flow therethrough that increases with pressure applied thereto.

44 - 46. (withdrawn)

47. A working end of a surgical instrument for delivering energy to tissue, comprising:

first and second jaw members moveable between an open position and a closed position, each jaw defining a jaw surface for engaging tissue;

a first body portion extending inwardly of at least one jaw surface that comprises a material having a resistance to electrical flow therethrough that is variable;

a second body portion of at least one jaw comprising a material that has a selected substantial resistance to electrical flow therethrough; and

a third body portion of said at least one jaw comprising a conductive material operatively
connected to a voltage source.

48. The working end of Claim 47 wherein said second and third body portions are operatively

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